

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 28, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jesus Cornelio Case Number: 0980 2:13CR02090-SMJ-1  
Address of Offender: Yakima, Washington 98902  
Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge  
Date of Original Sentence: November 17, 2014  
Original Offense: Distribution of Methamphetamine, 21 U.S.C. § 841(a)(1) and (b)(1)©  
Original Sentence: Prison - 30 months Type of Supervision: Supervised Release  
TSR - 36 months  
Revocation Sentence: Prison - 6 months  
Date: March 15, 2017 TSR - 30 months  
Asst. U.S. Attorney: Ben Seal Date Supervision Commenced: August 25, 2017  
Defense Attorney: Jeffrey S. Dahlberg Date Supervision Expires: February 24, 2020

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**PETITIONING THE COURT**

To issue a warrant and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on December 13, 2017 and January 9, 2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
6	<p><b><u>Special Condition # 1:</u></b> You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use.</p> <p><b><u>Supporting Evidence:</u></b> Mr. Cornelio failed to attend classes at Yakima Valley College (YVC) as directed on February 13, 15, and 21, 2018.</p> <p>On August 25, 2017, supervised release conditions were reviewed and signed by Mr. Cornelio acknowledging his understanding of special condition number 1, which requires him to participate in an educational service program. Mr. Cornelio's school program commenced on February 12, 2018. He was instructed to attend class Monday through Thursday for four hours each day. On the dates noted above, Mr. Cornelio failed to attend classes at YVC as directed.</p>

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**Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Cornelio submitted to a random urinalysis test at Merit Resource Services which return diluted on February 12, 2018.

On August 25, 2017, supervised release conditions were reviewed and signed by Mr. Cornelio acknowledging his understanding of special condition number 6, which requires him to submit to urinalysis testing. On August 28, 2018, the Eastern District of Washington substance abuse testing instructions were also reviewed and signed by Mr. Cornelio acknowledging he is not to alter the sample either directly or indirectly in order to pass a drug screening test.

On February 12, 2018, Mr. Cornelio submitted to a random urinalysis testing. The preliminary test returned presumptive positive for cocaine. Mr. Cornelio was confronted regarding the illegal drug use to which he denied using the substance. The specimen was sent to Alere Toxicology Services (Alere) for confirmation. On February 18, 2018, Alere determined the specimen was diluted.

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**Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Cornelio submitted to a random urinalysis test on February 27, 2018, which returned presumptive positive for cocaine, amphetamine, methamphetamine, and benzodiazepine.

On August 25, 2017, supervised release conditions were reviewed and signed by Mr. Cornelio acknowledging his understanding of special condition number 6, which requires him to submit to urinalysis testing. On February 27, 2018, Mr. Cornelio reported to the probation office and submitted to a drug screen which returned presumptive positive for cocaine, amphetamine, methamphetamine, and benzodiazepine. When confronted regarding his illegal drug use, he admitted to using cocaine and acknowledged the cocaine he used could have been cut with another substance. The specimen was sent to Alere for confirmation.

The U.S. Probation Office respectfully recommends the Court issue a warrant and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 28, 2018

s/Jose Zepeda

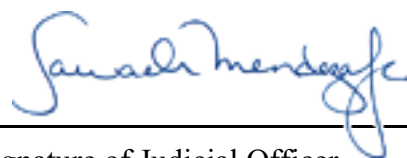
Jose Zepeda

U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

02/28/2018

Date